

REMARKS

Claims 1-5, 7-18 and 20-29 are pending in this application. Claims 1-27 are rejected. Claims 6 and 19 have been canceled without prejudice or disclaimer of the subject matter therein. Claims 28 and 29 are newly added. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over McCartan et al. (U.S. Patent 6,270,460), hereafter McCartan. Claims 20-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over McCartan in view of Ramamurthy et al. (U.S. Patent 7,156,551), hereafter Ramamurthy. Applicants respectfully traverse these rejections for at least the reasons set forth below.

The Office Action has asserted that the amended language in claims 1 and 24 reciting “different types of information” is broad and “is met by the storing of nearly any information as the ‘different types’ are not claimed.” (Office Action, page 7). Applicants have amended independent claim 1 to recite a method for tracking use of an ultrasound probe including, among other elements “storing probe identification information and different types of tracking information within a memory in a connector of an ultrasound probe removably connectable to an ultrasound system, wherein the different types of tracking information include duration of use information and at least one of length of time between scans information and probe usage pattern information.” Applicants have also amended independent claim 24 to recite an ultrasound system including, among other elements “an ultrasound probe having a connector for removable connection to the ultrasound scanner, the connector having a memory for storing probe identification information and different types of tracking information, wherein the different types of tracking information include duration of use information and at least one of length of time between scans information, probe usage pattern information and mode of operation information.”

Applicants submit that the cited references fail to anticipate or render obvious the method of claim 1 and the ultrasound system of claim 24.

The cited references describe probes that store accumulated use information or information regarding the number of uses relating to a probe. This information is used to limit the number of uses of the probe, for example, to limit the number of times or amount of time the probe is used. However, none of the references disclose storing “length of time between scans information and probe usage pattern information” as recited in claim 1. Moreover, Applicants submit that such information would not be needed in the cited references, which are concerned with the number of times or amount of times the probe is used to limit the probe use life. The length of time between scans and the probe usage pattern information is not needed to determine a total number of uses or total the use, which information is then used to limit the probe use life. Accordingly, the cited references teach away from storing such information, which is not needed and would use more memory storage space. Accordingly, Applicants submit that claim 1 is allowable.

Additionally, independent claim 24 recites “wherein the different types of tracking information include duration of use information and at least one of length of time between scans information, probe usage pattern information and mode of operation information.” The Office Action asserts that the McCartan reference discloses at column 5, lines 2-7, that the information can also be mode of operation information. The cited portion of the McCartan reference describes using fuses with different fuse ratings depending on an associated resistor value and input voltage. There is simply no way to determine a mode of operation based on different fuse ratings or the blowing of those fuses. The Office action also asserts that “it would have been obvious to one of ordinary skill in the art to use mode of operation information as different modes of operation affect the probe in different ways.” (Office Action, page 5). To begin, this does not support a teaching of storing the mode of operation information. Moreover, as discussed above, this information is not relevant to the number of uses of the probe and is unnecessary information, which would not be stored in the probe of McCartan.

Further, no proper basis is provided for why it would be obvious to modify McCartan as required by KSR. As established in *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), and as stated in MPEP 2142, rejections on obviousness cannot be sustained with mere conclusory statements, but instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Applicants respectfully submit that the conclusory statement in the Office Action that "it would have been obvious to one of ordinary skill in the art to use mode of operation information as different modes of operation affect the probe in different ways" is not sufficient. There is no reasoning provided as to why such results are supported by the combination or why the information is needed. Applicants respectfully request that the Office provide articulated reasoning with some rational underpinning. Accordingly, Applicants submit that claim 24 is allowable.

With respect to the single sentence obviousness rejections of at least claims 6, 7 and 13, Applicants also submit that such rejections are likewise not proper under KSR.

With respect to the single reference Section 103 rejection of the claims, because of the manner in which some of the statements are worded to support these rejections, in particular that McCartan does not teach using the system to send messages, but it would be obvious to do so, Applicants are unsure if these statements are intended to constitute Official Notice on the part of the Examiner. If the Examiner is taking Official Notice, for example, of facts in the Examiner's personal knowledge rather than the prior art, Applicants respectfully traverse each of the Examiner's assertions. Additionally, Applicants traverse the Examiner's Official Notice that external drives are well known in the art of probe connectors and that such external drives would necessarily be connected to the probe as part of the probe connector.

Under MPEP § 2144.03, the Examiner is now obligated to cite references or other documentary evidence in support of the Examiner's assertions. Alternatively, if the Examiner's assertions are based on facts within the personal knowledge of the Examiner, the facts must be supported by an affidavit from the Examiner. The assertions in the Office Action that the claim elements are either well known in the art or obvious are best demonstrated by the cited

references. In other words, if the claim elements were well known or obvious as the Office Action contends, the claim elements would appear in the prior art. However, no reference teaching or suggesting any of the claim elements has been provided. Consequently, Applicants respectfully submit that the assertions in the Office Action are not commonly known in the art and any finding of Official Notice is respectfully traversed.

Further, with respect the rejections of claims 1-27 under 35 U.S.C. § 103(a) as being unpatentable over McCartan, Applicants note that claims 20-24 are not addressed. Accordingly, Applicants believe that the Office did not intend to reject claims 20-24 based solely on McCartan, but on the combination of McCartan and Ramamurthy.

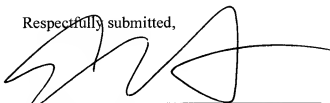
With respect to the rejection of claims 20-24, the Office asserts that “the Ramamurthy reference was used to note that it is old and well known in the art to check temperature, not as a template for upgrading probes.” Applicants submit that there would be no reason to store temperature information in the memory of the probe of McCartan. As discussed in more detail above, the cumulative use information, namely information regarding the number of times the probe is used, and that is stored in the probe of McCartan, is used to limit the number of uses of the ultrasound probe. There would be no need nor any reason to store temperature information to determine how many times the probe has been used to limit the number of uses of the probe. The McCartan reference is concerned with misuse of the probe by exceeding a predetermined number of uses. There is no mention or suggestion of any concern or need for measuring temperature. Thus, the combination of McCartan with Ramamurthy is improper. Accordingly, claims 20-24 are allowable for at least the reasons set forth above.

Applicants further submit that dependent claims 2-5, 7-18, 21-23 and 25-27, as well as newly added claims 28 and 29 recite further subject matter not anticipated or rendered obvious by the cited references. Moreover, dependent claims 2-5, 7-18, 21-23 and 25-29 are likewise patentable based at least on the dependency of these claims from the independent claims.

There may be additional reasons to the reasons described herein or herebefore that claims 1-5, 7-18 and 20-29 are each patentable over the cited references. Without waiver of such additional reasons, Applicants reserve the right to argue such additional reasons hereafter.

In view of the foregoing amendments and remarks, it is respectfully submitted that the cited references neither anticipate nor render obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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